

REMARKS

Claims 308-318, 341-355, 375-382, 384, 388-405 and 423 stand rejected. Claims 308, 347, 380, 399 and 423 have been amended. The Applicants respectfully request reconsideration in view of the foregoing amendments. No new matter has been added.

Claim Formalities

Claim 399 has been amended to correct a typographical error. No new matter has been introduced.

Claim Rejections - 35 U.S.C. §102

The Office Action rejected claims 308-318, 341-343, 347-355, 375-376, 380-381, 384, 388-390, 392-405 and 423 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,718,551 (“Swix et al”).

*Claims 308 and 347*

Claim 308 as now amended recites a content and service handling method comprising the steps of maintaining an inventory of advertising opportunities in content and services having a plurality of attributes and binding inventory with advertisements based at least in part on a binding function. Each advertisement includes advertising content and additional information about the advertising content for computing the binding function. The binding function compiles a set of advertisements for binding to the inventory of advertising opportunities by matching the additional information about the advertising content of each advertisement against the plurality of inventory attributes. For example, the plurality of inventory attributes can include a user, users, time, space, content type, screen size, location and duration. Similarly, amended claim 347 recites a binding function that compiles a set of advertisements for binding to the inventory of advertising opportunities by matching guidance information for each advertisement against the plurality of inventory attributes. Support for these features can be found at least in FIG. 15 and in the subject specification as originally filed on page 19, lines 11-20 and page 20, lines 14-25.

Swix et al do not teach or suggest a binding function that compiles a set of advertisements for binding to the inventory of advertising opportunities by matching information about the advertising content or guidance information against the attributes of an inventory of advertising opportunities, as now recited in amended claims 308 and 347. Rather, Swix et al merely discuss a system that delivers advertisements to set top boxes having a customer profile matching a specific demographic. (See Swix et al, col. 6, lines 8-24; col. 8, line 66 through col. 9, line 44).

For at least this reason, claims 308 and 347 are believed to be patentable over the prior art of record.

Furthermore, by virtue of at least their dependency to claims 308 and 347, respectively and the additional features recited therein, claims 309-318, 341-346, 348-355 and 375-379 are also patentable.

#### *Claims 380 and 423*

Claim 380 as now amended recites a method for placement of advertising content or services for presentation to one or more users. According to this method, an inventory of opportunities having a plurality of attributes is maintained to present advertising content during delivery of content or services to one or more users in which the inventory. Self-guiding advertisements are imported with each advertisement including advertising content and one or more of instructions, procedures, and software programs that discover inventory for binding to the advertisement. The advertisements bind to the inventory discovered by to the one or more of instructions, procedures, and software programs associated with the advertisements and the advertising content associated with the advertisements with the content or services is composed. Claim 423 is similarly amended. Support for these features can be found at least in FIG. 15 and in the subject specification as originally filed on page 20, lines 6-13.

Swix et al do not teach or suggest self-guiding advertisements including advertising content and one or more of instructions, procedures, and software programs that discover inventory for binding to the advertisement, as now recited in amended claims 380 and 423 at all. (See Swix et al, col. 6, lines 8-24; col. 8, line 66 through col. 9, line 44).

For at least this reason, claims 380 and 423 are believed to be patentable over the prior art of record.

Furthermore, by virtue of at least their dependency to claims 380 and 423, respectively and the additional features recited therein, claims 381, 382, 384, 388-405 and 423 are also patentable.

Rejections under 35 U.S.C. §103

*Claims 344-346 and 377-379*

The Office Action rejected claims 344 and 377 under 35 U.S.C. §103(a) as being unpatentable over Swix et al in view of U.S. Patent Application Publication No. US20020026351 (“Coleman”). The Office Action also rejected claims 345, 346, 378 and 379 under 35 U.S.C. §103(a) as being unpatentable over Swix et al in view of U.S. Patent 6,751,299 (“Brown et al”).

As previously discussed with respect to amended claim 308 and 347, Swix et al do not teach or suggest a binding function that compiles a set of advertisements for binding to the inventory of advertising opportunities by matching information about the advertising content or guidance information against the attributes of an inventory of advertising opportunities. Neither Coleman nor Brown et al correct this deficiency.

Like Swix et al, Coleman merely discuss a system that delivers advertisements to display units having matching purchaser profiles. (See Coleman Abstract; paragraph [0024]). Brown et al discusses a voice messaging system for efficient retrieval of voice messages. (See Brown et al, Abstract).

By virtue of at least their dependency to claim 308 and 347 respectively, claims 344-346 and claims 377-379 are also believed to be patentable.

*Claims 382 and 391*

The Office Action rejected claims 382 under 35 U.S.C. §103(a) as being unpatentable over Swix et al in view of U.S. Patent 5,724,521 (“Dedrick”). The Office Action also rejected claim 391 under 35 U.S.C. §103(a) as being unpatentable over Swix et al in view of U.S. Patent Application Publication No. US20020095676 (“Knee et al”).

As previously discussed with respect to amended claim 380, Swix et al do not teach or suggest self-guiding advertisements including advertising content and one or more of instructions, procedures, and software programs that discover inventory for binding to the

advertisement, as now recited in amended claims 380 and 423 at all. Neither Dedrick nor Knee et al correct this deficiency.

Rather, Dedrick discusses a method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner such that characteristics of the individual end users are compared with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. (See Dedrick, Abstract).

In Knee et al, an interactive television program guide system is discussed in which advertisements are received by user television equipment having preselected values for specified demographic categories. The user television equipment displays the advertisements that correspond to the demographic category value stored in its memory. (See Knee et al, Abstract).

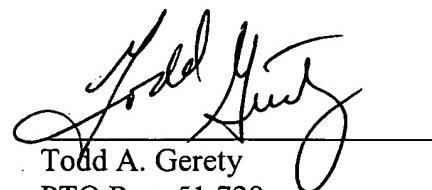
By virtue of at least their dependency to claim 380, claims 382 and 391 are also believed to be patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 308-318, 341-355, 375-382, 384, 388-405 and 423 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

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